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BY ECF

Honorable Roanne L. Mann
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Martin El v. John Doe, et al.*, 15-CV-6581 (BMC)(RLM)

Your Honor:

I am an Assistant Corporation Counsel in the Office of Zachary W. Carter, Corporation Counsel for the City of New York, and the attorney representing the City of New York (“City”) and Officer Cordova in the above-referenced matter wherein plaintiff, who is proceeding *pro se*, asserts claims of, *inter alia*, false arrest and excessive force. I write in response to plaintiff’s recent Court filings—specifically ECF Nos. 27, 28, 29, 30, 32, 33, and 34.

First, in a series of emails to Your Honor, plaintiff appears to request “partial” summary judgment under Fed. R. Civ. P. 56. (ECF Nos. 30 & 32). Because plaintiff intends to file an amended complaint in the instant action (*see* ECF No. 31), and the case is not yet in discovery, a motion for summary judgment on any of plaintiff’s contemplated claims would be premature at this time.

Second, plaintiff intimates that the undersigned has harassed him and treated him in a disrespectful manner. (*See* ECF No. 33 & 34). Given plaintiff’s recent filings wherein he stated that a Consent and Authorization for Release of Records Sealed Pursuant to New York Criminal Procedure Law §§ 160.50 and 160.55 (“§160.50 release”) is not necessary (*see* ECF No. 28, p. 2, ¶14), the undersigned did call plaintiff on February 26, 2016 to confirm that plaintiff would send the release in compliance with the Court’s order. (*See* ECF No. 26). However, plaintiff’s accusations that the undersigned harassed and disrespected him are completely without merit.

Finally, in a letter dated February 18, 2016, plaintiff appears to request damages for a motor vehicle civil penalty that purportedly occurred on January 29, 2016. (ECF No. 27, at 2, ¶1-3). This allegation is not listed in plaintiff’s complaint and thus does not require a response at

this point. To the extent plaintiff incorporates this incident in an amended complaint, defendants will respond accordingly.

I thank Your Honor for your attention to this matter.

Respectfully submitted,

_____/s/_____
Colin M. Ceriello
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cc: *BY FIRST CLASS MAIL*
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